



522316

Anthony Copeland
MAYOR



City of East Chicago
4527 INDIANAPOLIS BLVD.
EAST CHICAGO, INDIANA 46312
219-391-8200 • 219-391-8397 FAX

Mayor to Residents of West Calumet Housing Complex

Dear Resident:

Your health and safety are always my first priority.

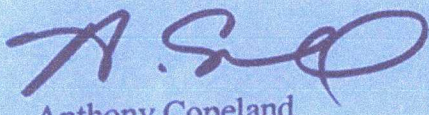
When the City and the East Chicago Housing Authority ("ECHA") recently were informed by the EPA that the ground within the West Calumet Housing Complex was highly contaminated with lead and arsenic, we moved immediately to protect your safety, health, and welfare.

The identification of lead and arsenic poses potential dangers, and that is why I ordered the East Chicago Health Department to offer lead testing to you and your children. Now that we know the levels of lead in the ground in West Calumet Housing Complex, we feel it is in your best interest to temporarily relocate your household to safer conditions. ECHA is asking HUD to provide vouchers for safe, sanitary housing as soon as possible. Even though this may be a great inconvenience to you, it's necessary to protect you and your children from possible harm.

The staff of ECHA, including the Section 8 staff will be assisting you in the coming days, and we will continue to provide you with information as soon as it becomes available.

We ask for your patience and cooperation in this process.

Sincerely,


Anthony Copeland
Mayor

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MAYOR



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July 14, 2016

Gina McCarthy
EPA Administrator
Environmental Protection Agency
USEPA William Jefferson Clinton Building North (WJC North)
1200 Pennsylvania Avenue N.W., 1101A
Washington, DC 20004

RE: Status of USS Lead Superfund / West Calumet Housing Complex

Dear Administrator McCarthy:

I have been informed that EPA Region 5 and the Department of Justice personnel assigned to the USS Lead OU1 clean up are regularly communicating with your office on the issue of the USS Lead Superfund site, and Zone 1, including the West Calumet Housing Complex, which are located in our city, an environmental justice community. I feel it is important to provide you with a timeline of events from the City's perspective. It is crucial for you as a leader to understand the City's concern over the public health crisis which exists in the West Calumet Housing Complex, and our alarm that Region 5 is on course to take actions in the very near term which will only exacerbate this public health crisis. While it appears that Region 5 wants to show that they are doing something to address the obvious danger to public health posed by the extraordinarily high levels of lead and arsenic in the soils in Zone 1, their actions to date amount to nothing more than band aid solutions. Instead of escalating their response following time critical removal actions in 2008 and 2011 or after receiving more evidence of extraordinarily high concentrations of lead in the soil in 2014; Region 5 failed to expedite the rate of soil testing, and failed to initiate blood lead testing of residents. Region 5 remained committed to a testing model consistent with aerial deposition of lead, even as their own historical knowledge of the site and soil testing data demonstrated that a much more appropriate and protective approach was necessary to protect residents' health.

Was a risk assessment performed after the high lead levels in soil were known? If such a risk assessment has been performed, Region 5 has not shared it with the City. Instead, Region 5 has continued to be committed to the cookie-cutter Remedial Action plan which was selected before the EPA had test results which show unprecedented high levels of lead in the soil in this residential neighborhood. Region 5 failed to acknowledge or adequately respond to the immediate danger to residents and thus failed in its duty to protect human health.

When the City of East Chicago objected to the inadequacy of Region 5's preferred clean up and remedy, Region 5 responded by withholding data from the City. This contributed to a breach of trust between the City and Region 5 which continues to this date. I wrote the Acting Regional Administrator for Region 5 on June 16 expressing my dire concerns, and outlining the necessity of relocation of residents, yet Region 5's response continues to be tone deaf. While the City awaits a decision from Region 5 on relocation, Region 5 pressures the City, implements inadequate interim measures and asks the City to sign access agreements after the fact. Thus, Region 5 continues to breach the City's trust and its duty to the residents of West Calumet. Other examples of breaches of trust by Region 5 include:

- Upon becoming aware in 2011, of the environmental problems in the West Calumet Neighborhood, Operating Unit 1 ("OU1"), the City Administration began a series of meetings with the EPA Region 5 Office, during which we learned that the EPA and the DOJ were negotiating the terms of a Consent Decree with the PRPs. The City expressed its concerns in both public meetings and private conferences with Region 5 personnel and leadership regarding the inadequacy of the EPA's preferred Clean Up Plan (Alternative 4A) as being insufficient to protect human health and leaving the City with legacy costs that it could not bear. The City's concerns were entirely discounted and ignored.
- When the City expressed its concern over deficiencies in the Remedial Action Plan, Region 5 informed the City that a remediation plan was already decided.
- Region 5 personnel received soil sampling data in December 2014, showing that lead contamination within the West Calumet Housing Complex is extremely more pervasive, severe, and extensive than identified by the EPA's prior inadequate sampling, yet failed to share such data with the City until May 24, 2016.
- Region 5 personnel provided environmental data to the Northern Indiana Public Service Company (NIPSCO) so that NIPSCO could protect its workers performing utility maintenance work in the affected area, yet withheld the same data from the City, despite their knowledge of the presence of City operated utilities in the affected area.
- Region 5 personnel failed to provide ATSDR with adequate environmental and health data in 2010 and 2011, such that the ATSDR's January 27, 2011 Public Health Assessment cites a lack of environmental data; the assessment erroneously assumes that all contamination in residential areas was from airborne deposition of lead; it fails to mention the existence of the Anaconda Lead factory at all; it fails to factor in the pertinent information that the West Calumet Housing Complex was built directly on the footprint of the Anaconda facility; it failed to include the East Chicago Health Department in any discussion or knowledge sharing; and failed to consider data from blood-lead testing which the East Chicago Health Department collected between 1991 to 2011. As a result, the ATSDR Assessment was based on the small subset of available data which was most favorable to the EPA's preferred recommended alternative Clean-up Plan, 4A, and it does not accurately reflect known site conditions.
- Citing "privacy concerns", the EPA withheld soil testing data from the City, including soil testing data for parcels which the City and the East Chicago Housing Authority own in Zones 1, 2 and 3, from 2011 through May 24, 2016, when the City received data for Zone 1 only.

- On March 31, 2016, the City was informed that the EPA's Remedial Action plan would only address contamination in green areas, which comprise only 40% of the land mass, leaving contaminated soil under the remaining 60% of the land mass, including all areas covered by concrete or other impervious material. Then, on May 24, 2015, EPA delivered its December 2014 to May 2015 Remedial Design data showing the widespread contamination across the entire West Calumet Housing Complex, and including the contamination under the 60% of the site not subject to the existing remedy. At the same time, EPA told the City that it would be held liable if any contaminated soils left in place by the inadequate clean up were disturbed by routine utility maintenance the City must perform in the neighborhood. The City was informed that the EPA intends to put an Order in place which would require the City to spend many millions of dollars – money our financially challenged community does not have – to perform utility maintenance work within the OU1 area going forward.
- When the City expressed its concern over deficiencies in the Remedial Action Plan, the City was threatened by Region 5 personnel that it would be treated as a “responsible party” and told that the City would be held liable if we did not cooperate with the EPA's Remedial Action Plan.
- The City was told, by Region 5 personnel on May 24, 2016 that the “grass provided a good protective cover”, a proposition directly contradicted by Region 5's September 12, 2011 Action memorandum where it states that with demonstrated soil lead levels at 5,993 ppm, “Adults and children may be exposed to high levels of lead from normal foot traffic, yard work, and play.”
- For many years Region 5 has persisted in the proposition that the grass in the West Calumet Complex provided a sufficiently protective barrier until the City shared photos during its June 14, 2016 meeting with the EPA, DOJ and ATSDR, which showed significant gaps in the grass cover, and children playing on the ground. Only after the City challenged EPA's proposition and I sent my June 16, 2016 letter to Region V did EPA begin to recognize that its flawed analysis has allowed our residents to be exposed to the potent and unsafe levels of lead and arsenic for many years.
- The City has been informed that simple mowing of lawns could cause residents to be exposed to lead contaminated dust, yet the EPA persists in its assertion that it is safe to leave residents in place during its proposed cleanup, which will disturb and move tons of soil throughout the community.
- Despite the EPA's knowledge for more than a decade of the unprecedented high levels of lead contamination in the soils, the EPA neither performed nor requested testing of residents' blood-levels. Instead, when the City became aware of the extremely high levels of lead in soil on May 24, 2016 it immediately commenced testing. Preliminary results reveal that 100's of children suffer from excessive levels of lead in their blood.

Further, you should know that although the City Health Department continues to perform blood-lead tests on children in West Calumet, there is already ample evidence of blood lead poisoning in children in this neighborhood. Existing evidence shows that children in the area test upwards of 33 ml/dl blood lead. We have hard evidence of lead poisoning among residents of the West Calumet Housing Complex. Real health impacts are already occurring. This is a public health disaster. How high do our children's blood levels have to be before the EPA takes action to stop their exposure?

It is irresponsible for Region 5 to even consider doing emergency removals of tons of soil in light of the facts of our situation and the known soil and blood-lead levels we know exist in our community. We remind you that at 91,000 ppm, dust may contain 9-10% lead. This lead was processed in order to be used as an additive to paint and for other industrial applications, and is inhalable and ingestible particulate. Almost 70% of the West Calumet Housing Complex residents are young children and pregnant women, many of whom live on top of or within a few feet of the worst contamination measured (and even higher levels may exist that have not yet been detected)..

On June 16, 2016, I sent a letter to Acting Region 5 Administrator Bob Kaplan expressing my deep concerns about the inadequacies of the EPA's proposed Remedial Action Plan, and requesting relocation of residents. I reiterated my request for the immediate relocation of residents, and pointed out that new exposures occur every day that residents are allowed to remain in this toxic environment.

By this letter, I am requesting:

- That the EPA and HUD work together to fund the immediate temporary relocation of all residents of the West Calumet Housing Complex.
- That relocation of residents of the West Calumet Housing Complex occur before any Remedial Actions take place, including the emergency removal actions that the EPA intends to implement in coming weeks.
- That EPA and HUD identify or create immediately available sources of funds in order to accommodate displaced West Calumet residents and ensure the return of the residents to safe housing within twelve to twenty-four months.
- That the EPA and HUD work together to provide for demolition of the existing structures which facilitates a more expeditious redevelopment of the property.
- That EPA revise its grossly deficient Remedial Action Plan for OU1 and develop a more comprehensive and sensible remedial approach that will protect our residents and community.
- Soil-test results for Zones 2 and 3.

I find it compelling that the American people, in their compassion can send Flint bottled water, but it's unfortunate that they can't send the residents of West Calumet potted soil to protect them from the extremely high, unprecedented levels of lead contamination around their homes which the EPA has known about for a decade and longer, yet to date failed to honor its duty to protect them.

Our fear is that exposures to unacceptable levels of lead continue to occur as long as the EPA refuses to relocate residents from this toxic environment. One of my biggest fears is that the EPA's Remedial Action Plan, including the emergency removal of highly contaminated soils from dozens of yards will drastically increase residents' exposures to toxic levels of lead, and the damage to innocent children will be a fait accompli before additional "wipe tests" are performed or air samples are analyzed. How do you propose to move tons of highly contaminated soil without causing additional exposures, when you have told the City that even mowing grass causes unacceptable exposures? Additional permanent damage will be done to the approximately 670 children and pregnant women residing in the West Calumet Housing Complex by the EPA's woefully deficient emergency removal actions and Remedial Action Plan. Air sampling and dust wipes performed after toxic lead dust has become airborne will only provide further evidence of the EPA's continued failure to protect human health.

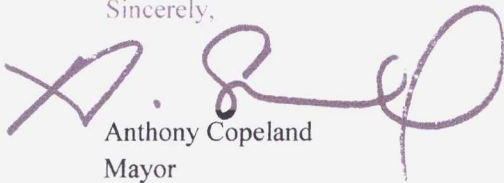
Any action by the EPA short of immediate relocation of all West Calumet residents is completely irresponsible. To leave residents in harm's way after the EPA had knowledge of the highly poisoned environment, and knowledge that children en masse are already suffering from lead poisoning violates the very principles upon which the Environmental Protection Agency was established. Damage has already been done by Region 5's inaction.

Logic and recent events suggest that Region 5 has intentionally misrepresented or withheld critical data that would otherwise reveal the severity and extent of the health risk to the 1,000 citizens of the West Calumet Housing Complex, approximately 670 of whom are children. Region 5's motivation appears to be its stubborn defense of an ill advised and inadequate remedial action plan, the downplay or understatement of the known, predictable public health risks, and the suppression of informed local resistance to that plan.

I am requesting a face to face meeting as soon as practicable to discuss the immediate temporary relocation of all residents of West Calumet Housing Complex prior to the implementation of any remedial action, including emergency removal actions, and the restoration of these residents to safe permanent housing within the community. In the alternative, and to the extent that the federal government is unwilling to act, the City is exploring its ability to act under its zoning power, and other statutory authority.

I propose that we meet stat. Please confirm, or propose a meeting date.

Sincerely,



Anthony Copeland
Mayor

cc: Loretta E. Lynch, Attorney General
Robert Kaplan, EPA Region 5 Acting Administrator
John Hall, Field Office Director
Patricia Tyus, Field Office Administrator
Bruce Nzerem, HUD Public Housing Indianapolis
Congressman Peter Visclosky
Senator Joe Donnelly
Indiana State Senator Lonnie Randolph
Indiana State Representative Donna Harris
Barack Obama, President of the United States

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June 16, 2016

Robert A. Kaplan
EPA Region 5 Acting Regional Administrator
Ralph Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, IL 60604-3590

RE: USS Lead Superfund / West Calumet Housing Complex

Dear Regional Administrator, Kaplan:

In light of the alarming data the City of East Chicago and the East Chicago Housing Authority recently received from your office regarding the extraordinarily high levels of lead in soils at the West Calumet Housing Complex, which is located within Operable Unit 1 of the USS Lead Superfund Site, I feel that it is my duty to take immediate action to protect the public safety, health and welfare of the residents I serve. In this regard, I am requesting that the United States Environmental Protection Agency (EPA) do the following: (1) immediate relocation of all residents currently living in the West Calumet Housing Complex into safe living conditions free of lead exposure risks; and (2) implementation of emergency soil removal actions to immediately address, contain and remove soils now known to contain hazardous levels of lead in the shallow surfaces across the approximate 40-acre housing complex. We are an environmental justice community whose interests have been underserved for years and we are in dire need of EPA's swift and comprehensive response to this immediate and substantial threat to our resident's health and safety. We propose to meet with you and Congressman Peter Visclosky in the City of East Chicago as soon as possible to discuss this matter. This matter is of such grave importance that I will clear my schedule in order to meet with you on the first possible date you are available.

The West Calumet Housing Complex is a HUD-funded public housing complex, which was built on the footprint of the old Anaconda Lead Products facility. It currently houses over 1,000 residents, including many young children in its 346 occupied units. On May 24, 2016, the EPA first shared data with the City of East Chicago and the East Chicago Housing Authority regarding the results of sampling the EPA performed to test the soil for lead and arsenic in this neighborhood, which is considered to be part of Zone 1 of OUI of the USS Lead Superfund site. Before May 24, 2016, the data had not even been shared with the East Chicago Housing Authority, despite their request, and despite the fact that they are the property owner of record. This data revealed that hundreds of the samples exceeded the removal action level of 1200 ppm of lead, and approximately 50 samples exceeded the 1200 ppm action level in the top 0-6 inches of soil. The data also revealed lead levels in the soil of up to 91,100 ppm, which is over eighteen times (over 1800%) higher than the amount of lead contained in lead paint. HUD's standard for lead paint is 5,000 ppm, and HUD's regulations set the tolerance for lead in its residential developments at zero. HUD's standard for environmental remediation is "dig to clean". The EPA's current remedy for the West Calumet Complex falls far short of this standard.

Previously, in 2008 and again in 2011, EPA conducted Time Critical Removal Actions at numerous properties within OUI to address soils containing lead above the regulatory removal action level of 1,200 ppm in the top six inches of soil. Many of the lots involved were located within Zone 1, the West

Calumet Housing Complex. The EPA data provided to the City on May 24, 2016 proves that these prior removal actions were incomplete and ineffective at protecting residents and the public from continuing lead exposures.

The EPA's September 12, 2011 Action Memo states that with lead levels as high as 5,993 ppm, **"Adults and children may be exposed to high levels of lead from normal foot traffic, yard work, and play."** As a result, as described above, EPA took emergency action to remediate such parcels. Yet, despite finding alarmingly high levels of lead after performing very limited sampling, the EPA did not immediately expand sampling to other parcels in the neighborhood. It continued to employ a sampling model which apparently erroneously presumed that the source of lead was airborne, despite having knowledge since at least 1985 that the West Calumet Housing Authority Complex sat on the footprint of the old Anaconda facility. Despite knowledge of these facts, the EPA apparently took until 2015 or 2016 to complete sampling of other parcels in this residential area; took until May 24, 2016 to reveal the results to the City; and despite finding lead levels up to **seventy-five times higher** than the action level of 1200 ppm, the EPA continues to refuse to relocate residents and commence emergency removal actions that knowledge of these facts demand.

The 2012 ROD and First Revised Consent Decree, which is set to be lodged and entered this summer, proposes to clean up the lawn areas to the EPA's residential standard of 400 ppm merely to a depth of 24 inches, allowing contaminants to remain below this level; a visual barrier, in the form of an orange plastic perforated barrier will be left; to our understanding, not remove lead contaminated soils around trees; and institutional controls will be put in place. The proposed clean up will leave lead and arsenic below 24 inches, will not clean up around trees or beneath the concrete surfaces including the sidewalks, streets, or under the foundations of these homes, and will not immediately remediate the groundwater despite the proximity to the shipping canal, the high water table and likely presence of groundwater at shallow depths in the affected area. The ROD also does not account for the fact that the housing in the West Calumet Complex is at the end of its useful life; the utilities are collapsing and require the City to perform dig out repairs below the 24 inch barrier many times per year.

Utility maintenance work in this area done prior to the City being made aware of the toxic levels of lead in the soil revealed the presence of construction debris in the ground which would tend to indicate that the Anaconda Lead Products facility may have simply been bulldozed, and that the West Calumet Housing Complex was then built on top of the demolition debris. The infrastructure in this area is over 45 years old such that water and sewer pipes collapse regularly requiring repair and replacement. These repairs require the City's Utilities Operations department and other providers to dig 42 inches and deeper into soil that we now know is hazardous and unsafe. These repairs also require intensive de-watering. The presence of demolition debris raises the additional concern that other contaminants such as cleaning solvents may also be present beneath and around these houses and may pose an additional threat to residents if volatilizing into residences.

Consistent with comments made to EPA in public hearings preceding EPA remedy selection, the City of East Chicago, the East Chicago Health Department and the East Chicago Housing Authority continue to believe that the EPA's selected remedy does not adequately protect human health. While our concern is for all the residents of the USS Lead Superfund site, we have particular concern for those who live where we now know the contamination is by far worse, which is on the footprint of the Anaconda facility, in the West Calumet Housing Complex. We feel that these families are placed at risk every day that they are

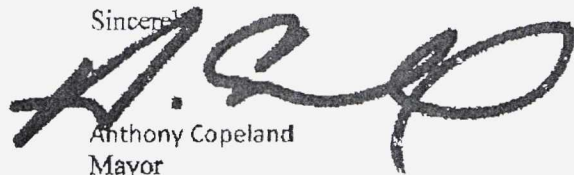
left in place. EPA's current plan to remediate while residents continue to live in West Calumet ignores the fact that testing has already revealed that a high number of children in this neighborhood demonstrate excessive blood levels of lead, above 10 micrograms per deciliter ($\mu\text{g/dL}$). While CDC's standard for children has fallen to 5 $\mu\text{g/dL}$, the coverage of Flint lead crisis demonstrates that the medical community believes that zero $\mu\text{g/dL}$ is the only safe level for children.

The effect of the EPA's proposed Remedial Action will be that the lead which remains under concrete surfaces and around trees, which is likely leachable, will immediately begin or continue to leach, transported by groundwater through the perforated visual barrier and contaminate the "clean" fill dirt. We fear that the blood lead levels of residents will continue to be excessive, and may be aggravated. The City will also be left with drastically increased costs of maintaining utilities in this older neighborhood and maintenance costs were already high as a result. The cost of just the environmental compliance involved in maintaining the utilities in the presence of lead and arsenic is estimated to be in excess of \$12.3 million. Additionally, the proposed cleanup violates HUD guidelines which require that when lead is discovered, it be remediated to zero in developments it funds. More importantly, we feel that it is impossible for the EPA to provide assurances that human health will not be harmed as it performs this cleanup with residents remaining in place. It is unconscionable that the EPA intends to allow American families and children to continue to live and play in yards where the concentration of lead in the dirt far exceeds the concentration of lead in lead paint, while it digs up such soil throughout the neighborhood, with insufficient protection provided to these residents.

The bottom line is that all residents of the West Calumet Complex must be immediately relocated to protect their health and safety. EPA needs to develop a plan and locate funds, with the assistance of HUD or otherwise, to do so. Additionally, EPA must immediately commence emergency removal activities of the shallow hazardous waste which residents and children are exposed to and likely ingesting every day. As indicated above, the City and the East Chicago Housing Authority propose to meet with you and Congressman Visclosky so that EPA can address our demands.

I am extremely concerned that the environmental threats to the health and safety of the families and children who continue to live in this hazardous and dangerous environment will not be resolved by the EPA's current approach. Absent an immediate plan on the part of EPA to protect our residents and community, I will have no choice but to immediately notify the residents of the danger and to relocate the residents for their own protection. In such case, I intend to communicate to residents through any and all means, including media sources, and use all means at my disposal to move these residents to safe housing and this will be done as quickly as it is in my power to do.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read 'A. Copeland'.

Anthony Copeland
Mayor

Cc: Hon. Rep Peter Visclosky, Hon. Sen. Joe Donnelly

- post warning signs
- go door-to-door to share lead information with residents
- expand lead sampling in yards, play areas and in the homes at the complex
- coordinate review of blood lead level results with the City Health Department and Agency for Toxic Substance and Disease Registry (ATSDR)

Point by Point response to assertions in city's letter to EPA

1. In 2011, the mayor learns of environmental problems in the West Calumet Neighborhood, Operating Unit 1, in 2011 and city begins meeting with Region 5 and learns EPA and DOJ are negotiating a CD with PRPs. The City expressed concerns in both public meetings and private conferences with Region 5 about the inadequacy of the EPA's preferred Cleanup Plan (Alternative 4A) -insufficient to protect human health and leaving the City with legacy costs that it could not bear. The City's concerns were entirely discounted and ignored.

Response: At a July 2012 EPA public hearing, the mayor and the city's environmental consultant opposed EPA's proposed remedy which called for removal of lead- and arsenic-contaminated soils to a depth of 24 inches and voiced support for a remedy that called for the removal of all contaminated soils from the Site. EPA's proposed plan called for the removal of up to two feet of contaminated soil but allowed for soils at a depth of greater than two feet to remain in place. EPA evaluated the city's proposal and concluded it would cost 50 percent more but would not provide additional public health and environmental protections. EPA addressed the city's proposal in its Responsiveness Summary issued along with the November 30, 2012 Record of Decision.

- 1.2. When the City expressed its concern over the deficiencies in the Remedial Action Plan, Region 5 informed the City that a remediation plan was already decided.

Response: Following the November 2012 Record of Decision, the city has reiterated the removal to 24 inch depth is insufficient. After a lengthy and robust public review and comment process, EPA and the city continued to disagree about the best remedy at this site. EPA maintained and continues to maintain that its cleanup plan would and will address current and future risks for residents.

- 2.3. Region 5 personnel received soil sampling data in December 2014, showing that lead contamination within the West Calumet Housing Complex is extremely more pervasive, severe, and extensive than identified by the EPA's prior inadequate sampling, yet failed to share such data with the City until May 24, 2016.

Response: EPA began pre-design sampling in Zone 1 in late November 2014. EPA did not receive that results of this sampling until October 2015. The results showed contamination over a larger area and in some locations at much higher concentrations than previously identified. On May 24, 2016, in a meeting in East Chicago, Indiana, to talk about moving forward with the cleanup, EPA provided a document that summarized this data to the city and the East Chicago Housing Authority.

3.4. Region 5 personnel provided environmental data to the Northern Indiana Public Service Company (NIPSCO) so that NIPSCO could protect its workers performing utility maintenance work in the affected area, yet withheld the same data from the City, despite their knowledge of the presence of City operated utilities in the affected area.

Response: EPA discussed sampling locations with NIPSCO but didn't provide any sampling results.

4.5. Region 5 personnel failed to provide ATSDR with adequate environmental and health data in 2010 and 2011, such that ATSDR's January 27, 2011 Public Health assessment cites a lack of environmental data; the assessment erroneously assumes that all contamination in residential areas was from airborne deposition of lead; it fails to mention the existence of the Anaconda Lead factory at all, it fails to factor in the pertinent information that the West Calumet Housing Complex was built directly on the footprint of the Anaconda facility; it failed to include the East Chicago Health Department in any discussion or knowledge sharing; and failed to consider data from blood-lead testing which the East Chicago Health department collected between 1991 to 2011. As a result, the ATSDR Assessment was based on the small subset of available data which was most favorable to the EPA's preferred recommended alternative Clean-up Plan, 4A and it does not accurately reflect known site conditions.

Response: EPA was in contact with ATSDR throughout the Remedial Investigation/Feasibility Study process.

5.6. Citing privacy concerns, the EPA withheld soil testing data from the City, including soil testing data for parcels which the City and the East Chicago Housing Authority own in Zone 1, 2 and 3, from 2011 through May 24, 2016, when the City received data for Zone 1 only.

Response: EPA only provides results to property owners. Many of the properties in Zones 2 and 3 are owned by private individuals. The EPA will provide the City with sampling results for any of its properties in Zone 2 and 3. EPA's Remedial Investigation and Feasibility Study has been available for public review at the East Chicago Indiana Public Library since 2012. As stated above, EPA did not have any significant new data until October 2015.

6.7. On March 31, 2016, the City was informed that the EPA's Remedial Action plan would only address contamination in green areas, which comprise only 40% of the land mass, leaving contaminated soil under the remaining 60% of the land mass, including all areas covered by concrete or other impervious material. Then, on May 24, 2015, EPA delivered its December 2014 to May 2015 Remedial Design data showing the widespread contamination across the entire West Calumet Housing complex and including the contamination under the 60% of the site not subject to the existing remedy. At the same time, EPA told the City that it would be held liable if any contaminated soils left in place by the inadequate clean up were disturbed by routine utility maintenance the City must perform in the neighborhood. The city was informed that the EPA intends to put an Order in place which would require the City to spend many millions of dollars- money our financially challenged community does not have – to perform utility maintenance work within the OU1 area going forward.

Response: The 2012 Proposed Plan and the 2012 Record of Decision both make clear that the cleanup is limited to “yards” or “green areas.” Streets, sidewalks and buildings serve as a barrier to direct contact with contaminated soil, preventing potential exposure pathways. The Record of Decision contemplated that the future land use would remain residential. For that reason, EPA selected the most stringent cleanup levels that would protect residents rather than less stringent industrial or commercial levels.

EPA was unaware that the East Chicago Housing Authority was considering major modifications at the West Calumet Housing Authority until January 2016 when Executive Director Tia Cauley advised EPA that ECHA might seek to demolish some or all of the structures. On May 24, 2016, counsel for ECHA again raised the prospect of demolishing structures and relocating residents. In a follow-up meeting to discuss the possibility of relocation held on June 6, 2016, ECHA stated that it did not have any immediate plans to demolish structures or relocate residents.

During discussions with the City over potential future construction, demolition and maintenance of utilities in Operable Unit 1 (OU-1), EPA advised the City that that private parties with rights under CERCLA might seek to hold the City liable for any movement of contaminated soil. EPA and DOJ were always careful to note that the federal government had no interest in pursuing the city for the costs of cleanup. In 2014, in an effort to provide the city with some protection from potential CERCLA claims that could be brought by third parties, EPA suggested that the city and EPA enter into an Administrative Order on Consent (AOC) under CERCLA to set forth approved methods for any work in OU-1. The city declined to negotiate or enter into an AOC.

7.8. When the City expressed its concern over deficiencies in the Remedial Action Plan, the city was threatened by Region 5 personnel that it would be treated as a “responsible party” and told that the City would be held liable if we did not cooperate with the EPA’s Remedial Action Plan.

Response: As stated above, EPA and DOJ advised demolition or utility repairs might expose the city to third party liability under CERCLA as an “operator” of a facility. At no point did either EPA or DOJ ever state or suggest that the federal government would pursue a claim against the city. The federal government has entered into a consent decree with two private parties which provides funds for response actions within OU-1. The settling defendants asked the federal government to allow them to modify the consent decree so that they might bring an action under CERCLA against the Department of Housing and Urban Development as an “operator” of a facility based upon its role in locating, constructing and managing the housing complex. The federal government did not agree to modify the consent decree to allow the settling defendants to bring an action against HUD. The settling defendants’ interest in bringing suit against HUD alerted EPA and DOJ to the possibility that they might seek to bring suit against the City.

8.9. The City was told by Region 5 personnel on May 24, 2016 that the “grass provided a good protective cover”, a proposition directly contradicted by Region 5’s September 12, 2011

Action Memorandum where it states that with demonstrated soil lead levels at 5,993 ppm, "Adults and children may be exposed to high levels of lead from normal foot traffic, yard work, and play."

Response: Grass or a barrier --like mulch --does provide short-term protection and helps prevent lead-contaminated dust from becoming airborne. The recently-completed mulching in the Zone 1 was done to cut off an exposure pathway, reduce risk, and protect residents -- especially children.

9.10. For many years Region 5 has persisted in the proposition that the grass in the West Calumet complex provided a sufficiently protective barrier until the City shared photos during its June 14, 2016 meeting with the EPA, DOJ and ATSDR, which showed significant gaps in the grass cover, and children playing on the ground. Only after the City challenged EPA's proposition and I sent my June 16, 2016 letter to Region V did EPA begin to recognize that its flawed analysis has allowed our residents to be exposed to the potent and unsafe levels of lead and arsenic for many years.

Response: The recently completed mulching of bare areas and in yards and play areas in West Calumet Housing Complex provides a short-term solution and helps reduce residents' exposure to lead and arsenic dust. In public information sessions and discussions with representatives of East Chicago, EPA representatives have all stressed the importance of residents taking other precautions like washing their hands after playing outdoors and removing shoes before entering their homes

10.11. The City has been informed that simple mowing of lawns could cause residents to be exposed to lead contaminated dust, yet the EPA persists in its assertion that it is safe to leave residents in place during its proposed cleanup, which will disturb and move tons of soil throughout the community.

Response: Mowing can create large quantities of uncontrolled dust that may contain lead and arsenic. EPA has recommended new mowing procedures for Zone 1 that are now that have been put in place which will reduce the possibility of contaminants becoming airborne. EPA has remediated hundreds of properties with lead and arsenic contamination safely and effectivity. EPA uses engineering controls such as limiting the size of excavations, covering trucks, dust suppressants and real-time air monitoring to ensure both nearby residents and construction workers are not exposed to harmful contaminants.

11.12. Despite the EPA's knowledge for more than a decade of the unprecedented high levels of lead contamination in the soils, the EPA neither performed nor requested testing of residents' blood-levels. Instead when the City became aware of the extremely high levels of lead in soil on May 24, 2016 it immediately commenced testing. Preliminary results reveal that 100's of children suffer from excessive levels of lead in their blood.

Response: **NEED INPUT FROM ATSDR / EPA DOES TEST BLLs**

According to EPA staffer Rik Lantz's notes from a May 17, 2012 conversation, Diana Burns, Director of the East Chicago Department of Public Health, advised him that her department

tests all children ages 2-6 years before entering public school. Director Burns reported lead levels were highest in children who had recently relocated to the area. She noted that some characteristic of the data indicated that the source of the lead was cookware, not lead-based paint or lead pipes. Lantz sent Burns a follow-up email summarizing their conversation and requesting further information. EPA has no record of a response from Burns.

DRAFT Talking Points

EPA, the State of Indiana and the City of East Chicago have been aware of lead contamination issues at the former USS Lead site since at least the mid-1980s.

After USS Lead ceased operation in 1985, the Indiana State Board of Health inspected the plant site and found lead and arsenic contamination.

In 1992, EPA proposed adding the USS Lead Site to Superfund's National Priorities List of the most contaminated sites in the country. (Headquarters declined to add.)

From 1993 through 2009, EPA invoked federal authorities --including the Resource Conservation and Recovery Act authority- to require a series of corrective actions and removals at the former plant site.

- In August 2003, EPA and the Indiana Dept. of Environmental Management began sampling residential yards for lead.
- In 2008, EPA took action to remove lead-contaminated soil from 13 residential yards.

The site was added to Superfund's NPL in April 2009.

In the Fall 2011, EPA took action to remove lead-contaminated soil from 16 residential yards including yards in the West Calumet Housing Complex.

On June 30, 2012, EPA completed a Superfund Remedial Investigation and Feasibility Study to determine the extent and level of contamination and propose a remedy.

In November 2012, after considering comments received from the City and State outlined its cleanup plan in a document referred to as a Record of Decision.

In 2013 and 2014, EPA conducted sampling for data needed to implement the remedy.

In October 2015, EPA received data showing elevated lead levels in the soil at the West Calumet Housing Complex (Zone 1).

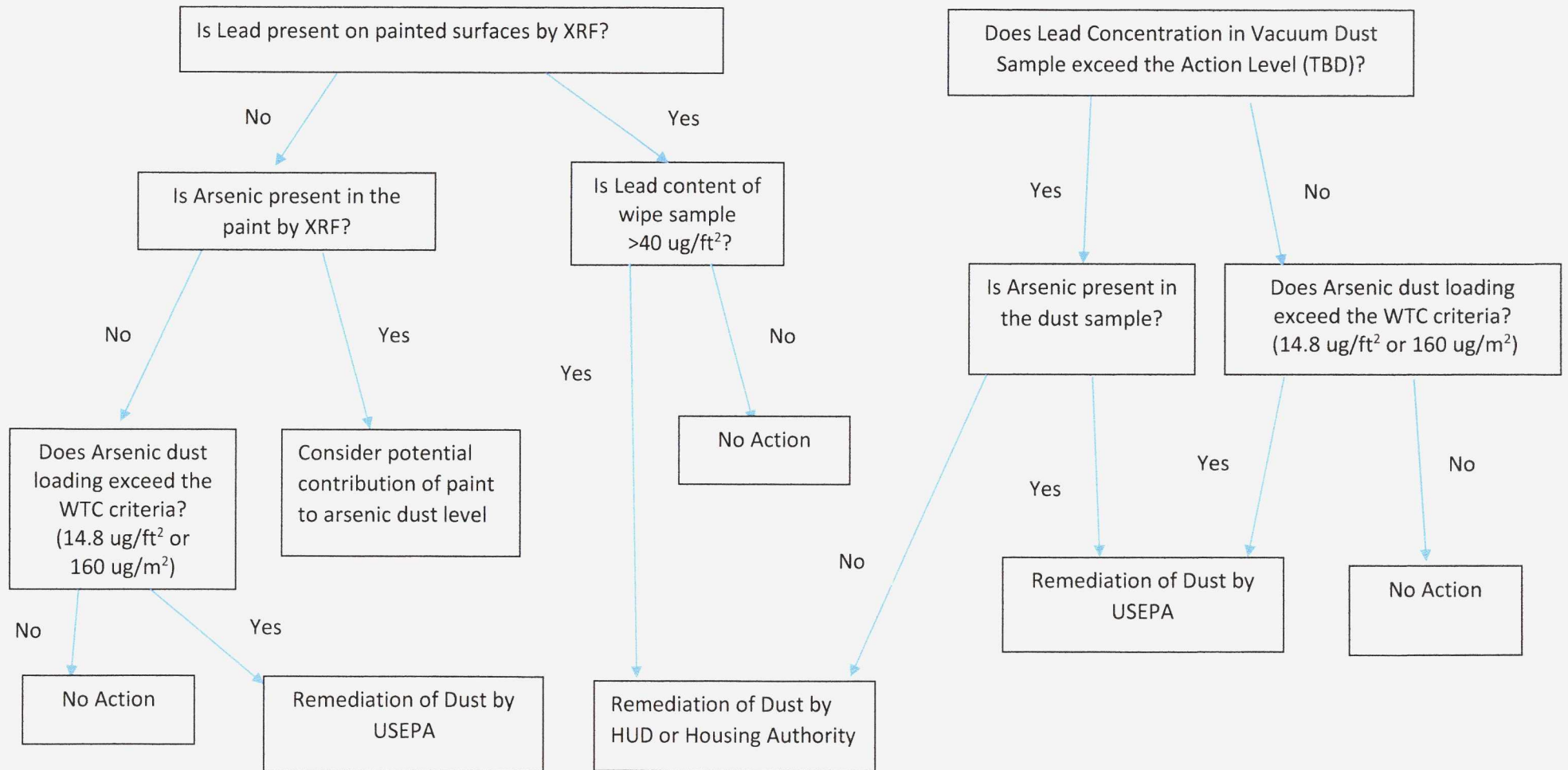
In a meeting with the City on May 24, 2016, EPA shared with the City a document that summarized the contaminant levels within the West Calumet Housing Complex.

On June 16, 2016, in a letter to the Acting Regional Administrator Robert Kaplan, Mayor Anthony Copeland expressed concern about high lead levels in yards and play areas at the housing complex.

In June, after meeting with Mayor Copeland, reviewing EPA data, and visiting the housing complex, the RA directed immediate action be taken to:

- cut off lead exposure pathways
- cover bare spots in yards and play areas with mulch to protect public health and reduce exposure to lead

Dust Sampling for Lead and Arsenic Hazards



Please be advised that some of the steps outlined below overlap one another.

1. Public Housing Authority (PHA) requests approval for PH demolition. (Complete and awaiting Board Resolution following public hearing on 8/3)
2. HUD approves the PH demolition action, and approves tenant protection vouchers for families (TPVs).
3. HUD obligates funding for the TPVs. This should occur 1 – 2 weeks from approval of the demolition action. (Funding should be available to ECHA by 8/5/16)
4. PHA:
 - a. Holds a public hearing to receive comment on the demolition (scheduled for 8/3/16)
 - b. Prepares a leasing schedule, that identifies for HUD when the families are expected to have leased a private rental market unit. This can take a week or so to prepare, and is presented as a number of families by month. The leasing schedule determines the disbursement schedule (when the funds actually hit the PHA bank account).
 - c. Once leasing schedule is approved by HUD, PHA begins meeting individually with families to brief them on the relocation process and their options.
5. PHA issues vouchers. This process typically takes from 60 – 120 days, and is determined by PHA policies, operating procedures and capacity.
 - a. PHA has to qualify each family for the program – criminal background check, income eligibility, etc.
 - b. PHA can only issue vouchers to families that are qualified for the program
6. The family searches for a unit to rent. The family is provided at least 60 calendar days to search for a unit.
7. The PHA qualifies the unit. The timeframe for this step is determined by the PHA policies, operating procedures and capacity, and can take from a few days to a few weeks.
 - a. Unit must pass inspection
 - b. Rent must be determined to be reasonable
8. PHA and the landlord enter into Housing Assistance Payments Contract
9. Family moves

